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6 **BEFORE THE**
7 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. VN-2007-254

11 **BETTY JEAN BELTRAN, a.k.a.**
12 **BETTY JEAN SOLIZ**
13 **462 Congressional Court**
14 **Tulare, CA 93274**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Vocational Nurse License No. VN 121823

Respondent.

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16 **FINDINGS OF FACT**

17 1. On or about November 23, 2010, Complainant Teresa Bello-Jones, J.D., M.S.N.,
18 R.N., in her official capacity as the Executive Officer of the Board of Vocational Nursing and
19 Psychiatric Technicians, Department of Consumer Affairs, filed Accusation No. VN-2007-254
20 against Betty Jean Beltran, a.k.a., Betty Jean Soliz (Respondent) before the Board of Vocational
21 Nursing and Psychiatric Technicians. (Accusation attached as Exhibit A.)

22 2. On or about June 11, 1984, the Board of Vocational Nursing and Psychiatric
23 Technicians (Board) issued Vocational Nurse License No. VN 121823 to Respondent. The
24 Vocational Nurse License expired on August 31, 2007, and has not been renewed.

25 3. On or about November 23, 2010, Respondent was served by Certified Mail copies of
26 the Accusation No. VN-2007-254, Statement to Respondent, Notice of Defense, Request for
27 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
28 Respondent's address of record which, pursuant to Business and Professions Code section 136

1 and/or agency specific statute or regulation. is required to be reported and maintained with the
2 Board, which was and is:

3 462 Congressional Court
4 Tulare, CA 93274

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c) and/or Business & Professions Code
7 section 124.

8 5. On or about November 26 and November 27, 2010, the aforementioned documents
9 were returned by the U.S. Postal Service marked "Not deliverable as addressed unable to
10 forward."

11 6. Government Code section 11506 states, in pertinent part:

12 (c) The respondent shall be entitled to a hearing on the merits if the respondent
13 files a notice of defense, and the notice shall be deemed a specific denial of all parts
14 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

15 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
16 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. VN-
17 2007-254.

18 8. California Government Code section 11520 states, in pertinent part:

19 (a) If the respondent either fails to file a notice of defense or to appear at the
20 hearing, the agency may take action based upon the respondent's express admissions
21 or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

22 9. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on the
24 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
25 taking official notice of all the investigatory reports, exhibits and statements contained therein on
26 file at the Board's offices regarding the allegations contained in Accusation No. VN-2007-254,
27 finds that the charges and allegations in Accusation No. VN-2007-254, are separately and
28 severally, found to be true and correct by clear and convincing evidence.

1 10. Taking official notice of its own internal records, pursuant to Business and
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
3 and Enforcement is \$462.50 as of January 21, 2011.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent Betty Jean Beltran, a.k.a., Betty
6 Jean Soliz has subjected her Vocational Nurse License No. VN 121823 to discipline.

7 2. The agency has jurisdiction to adjudicate this case pursuant to Business and
8 Professions Code section 118(b).

9 3. The agency has jurisdiction to adjudicate this case by default.

10 4. The Board of Vocational Nursing and Psychiatric Technicians is authorized to revoke
11 Respondent's Vocational Nurse License based upon the following violations alleged in the
12 Accusation which are supported by the evidence contained in the Default Decision Investigatory
13 Evidence Packet in this case.

14 FIRST CAUSE FOR DISCIPLINE

15 (Criminal Conviction)

16 5. Respondent has subjected her license to discipline pursuant to Code section 2878,
17 subdivision (f) in that on July 13, 2009, in the Superior Court, County of Tulare, California, in the
18 matter entitled People v. Betty Jean Beltran, 2009, Case No. VCF221514, Respondent was
19 convicted following her plea of nolo contendere to a violation of Penal Code section 368,
20 subdivision (E) (theft from elder or dependent by caregiver), a felony, and Penal Code section
21 487, subdivision (a) (grand theft of personal property to wit, Social Security check, the property
22 of R. Daniel), also a felony. The circumstances of the crime are that between June 1, 2007, and
23 July 14, 2007, Respondent took and cashed Social Security checks belonging to R. Daniel.

24 SECOND CAUSE FOR DISCIPLINE

25 (Acts Involving Dishonesty)

26 6. Respondent has subjected her license to discipline pursuant to Code section 2878,
27 subdivision (j), in that between June 1, 2007, and July 14, 2007, while providing in home care for
28

1 Patient R. Daniel, Respondent committed acts involving dishonesty, as more particularly set forth
2 in paragraph 5, above.

3 THIRD CAUSE FOR DISCIPLINE

4 (Mistreatment/Abuse of a Patient)

5 7. Respondent has subjected her license to discipline pursuant to Code section 2878,
6 subdivision (a)(4), in that between June 1, 2007, and July 14, 2007, while providing in home care
7 for Patient R. Daniel, Respondent mistreated and/or abused the patient by taking and cashing R.
8 Daniel's Social Security checks.


9 ORDER

10 IT IS SO ORDERED that Vocational Nurse License No. VN 121823, heretofore issued to
11 Respondent Betty Jean Beltran, a.k.a., Betty Jean Soliz, is revoked.

12 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
13 written motion requesting that the Decision be vacated and stating the grounds relied on within
14 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
15 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

16 This Decision shall become effective on April 21, 2011.

17 It is so ORDERED March 22, 2011

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20 FOR THE BOARD OF VOCATIONAL NURSING
21 AND PSYCHIATRIC TECHNICIANS
22 DEPARTMENT OF CONSUMER AFFAIRS

22 10657350.DOC
23 DOJ Matter ID:SA2010101310

23 Attachment:
24 Exhibit A: Accusation

Exhibit A

Accusation

FILED

EDMUND G. BROWN JR.
Attorney General of California
ALFREDO TERRAZAS
Senior Assistant Attorney General
ARTHUR D. TAGGART
Supervising Deputy Attorney General
State Bar No. 083047
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-5339
Facsimile: (916) 327-8643
Attorneys for Complainant

Board of Vocational Nursing
and Psychiatric Technicians

BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. VN-2007-254

BETTY JEAN BELTRAN, A.K.A.
BETTY JEAN SOLIZ
462 Congressional Court
Tulare, CA 93274
Vocational Nurse License No. VN 121823

ACCUSATION

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

Vocational Nurse License

2. On or about June 11, 1984, the Board issued Vocational Nurse License Number VN 121823 to Betty Jean Beltran, also known as Betty Jean Soliz ("Respondent"). The vocational nurse license expired on August 31, 2007.

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STATUTORY PROVISIONS

3. Section 2875 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

4. Code section 118, subdivision (b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

5. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) The use of excessive force upon or the mistreatment or abuse of any patient. For the purposes of this paragraph, 'excessive force' means force clearly in excess of that which would normally be applied in similar clinical circumstances.

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee.

COST RECOVERY

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

7. Respondent has subjected her license to discipline pursuant to Code section 2878, subdivision (f) in that on July 13, 2009, in the Superior Court, County of Tulare, California in the

1 matter entitled *People vs. Betty Jean Beltran*, 2009, Case No. VCF221514, Respondent was
2 convicted following her plea of nolo contendere to a violation of Penal Code section 368,
3 subdivision (E) (theft from elder or dependent by caregiver), a felony, and Penal Code section
4 487, subdivision (a) (grand theft of personal property to wit, Social Security check, the property
5 of R. Daniel), also a felony. The circumstances of the crime are that between June 1, 2007, and
6 July 14, 2007, Respondent took and cashed Social Security checks belonging to R. Daniel.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Acts Involving Dishonesty)**

9 8. Respondent has subjected her license to discipline pursuant to Code section 2878,
10 subdivision (j), in that between June 1, 2007, and July 14, 2007, while providing in home care for
11 Patient R. Daniel, Respondent committed acts involving dishonesty, as more particularly set forth
12 in paragraph 7, above.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Mistreatment/Abuse of a Patient)**

15 9. Respondent has subjected her license to discipline pursuant to Code section 2878,
16 subdivision (a)(4), in that between June 1, 2007, and July 14, 2007, while providing in home care
17 for Patient R. Daniel, Respondent mistreated and/or abused the patient by taking and cashing R.
18 Daniel's Social Security checks.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
22 issue a decision:

23 1. Revoking or suspending Vocational Nurse License Number VN 121823, issued to
24 Betty Jean Beltran, also known as Betty Jean Soliz;

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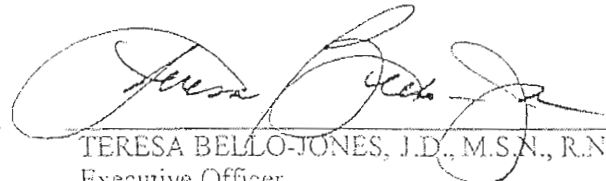
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1 2. Ordering Betty Jean Beltran, also known as Betty Jean Soliz to pay the Board of
2 Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and
3 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

4 3. Taking such other and further action as deemed necessary and proper.
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8 DATED: November 23, 2010



9 TERESA BELLO-JONES, J.D., M.S.N., R.N.
10 Executive Officer
11 Board of Vocational Nursing and Psychiatric Technicians
12 Department of Consumer Affairs
13 State of California
14 *Complainant*
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